UNITED
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Security Council

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GENERAL

S/24493
26 August 1992

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

Following consultations among members of the Security Council, the President of the Council made the following statement, on behalf of the Council, in connection with the item entitled: "The situation relating to Nagorno-Karabakh".

"The members of the Security Council are deeply concerned by recent reports on the deterioration of the situation relating to Nagorro-Karabakh with heavy losses of human life and widespread material damage.

"The members of the Council strongly appeal to all parties and others concerned for an immediate cease-fire and support the efforts of the Minsk Conference on the question of Nagorno-Karabakh within the framework of the CSCE as well as the preparatory negotiations held in Rome. They urge all parties and others concerned to cooperate closely with the CSCE and to participate positively in the negotiations with a view to reaching a peaceful settlement of their disputes as early as possible. They have noted that the Secretary-General dispatched fact-finding missions to the region and was ready to send observers to the above CSCE negotiations. The members of the Council will consider further the role of the United Nations in Nagorno-Karabakh at an appropriate time in the light of the development of the situation in the area."

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26 August 1992

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GENERAL ASSEMBLY
Forty-sixth session
Agenda item 150
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Forty-seventh year

Letter dated 26 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Malaysia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the letter from His Excellency Dato' Seri Dr. Mahathir Mohamad, Prime Minister of Malaysia, addressed to all the Heads of State and or Government of the 15 members of the Security Council concerning the situation in Bosnia and Herzegovina (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under agenda item 150, and of the Security Council.

(Signed) Mohd. SINON Mudzakir
Chargé d'affaires a.i.

ANNEX

Letter dated 22 August 1992 from the Prime Minister of Malaysia addressed to all the Heads of State and or Government of the 15 members of the Security Council

For months the world has been witnessing with great pain so much killing and destruction in Bosnia and Herzegovina. The United Nations and the European Community have tried to do their part in bringing about peace and relief to the people of the country. However, there has been absolutely no progress in the European peace efforts and there have been repeated violations of cease-fires affecting United Nations relief efforts. Many of the resolutions passed by the United Nations Security Council have been ignored. The sanctions applied by the Security Council have not had any tangible effect. Instead, in recent weeks we have been witnessing the most horrendous crimes against humanity committed by Serbian nationalists against Muslim and Christian civilians in Bosnia and Herzegovina. Even United Nations peace-keepers have come under attack. What originated as internal turmoil due to the fragmentation of Yugoslavia has deteriorated into clear acts of aggression and armed intervention, in this case by Serbia and Montenegro against Bosnia and Herzegovina.

The daily bombardments of civilian population centres and recent horrific news about atrocities committed in the concentration camps and through the Serbian policy of ethnic cleansing have finally moved the Security Council to adopt resolution 770 (1992), providing for the use of all necessary means to bring relief supplies to the civilian population of Bosnia and Herzegovina and resolution 771 (1992), demanding access to the concentration camps. Like most of the other members of the international community, Malaysia welcomes the adoption of these resolutions. Regrettably, this latest action by the Council is far from enough as the situation in Bosnia and Herzegovina has turned for the worst. What is at stake now is not just the danger of mass starvation which the resolution is meant to address and the demand for access to the concentration camps, but to stop wanton acts of atrocities and killings of Bosnian Muslims and Christians by the Serbs and the destruction of Bosnia and Herzegovina as a nation.

Malaysia is convinced that the time has now come for the Council, for the sake of upholding human values and the rule of law, to take firm and forthright collective measures, including those provided for under Article 42 of Chapter VII of the Charter of the United Nations in order to restore peace and stability in Bosnia and Herzegovina as well as in the region.

There are a number of reasons why the Council should act in a decisive manner now. Firstly, no matter how well disguised, the war in Bosnia and Herzegovina involves acts of armed intervention and aggression by Serbia and Montenegro, which threaten the sovereignty, independence and territorial integrity of Bosnia and Herzegovina, one of the newest members of the United Nations. It is the responsibility of the United Nations Security Council to

restore and guarantee the sovereignty and territorial integrity of Bosnia and Herzegovina. The whole credibility of the Council and the concept of collective security rest on the willingness and ability of the Council to uphold international law, in particular, guaranteeing the sovereignty and territorial integrity of a Member State. The Council, particularly the permanent members, cannot choose where and when to exercise collective measures as provided for in the Charter of the United Nations. The Council must live up to the responsibility given to it by the Charter and respond positively to the increasing voice of the general membership of the United Nations calling for resolute action by the Council to uphold the rule of law.

Secondly, there are now very clear serious violations of human rights and international humanitarian law with regard to atrocities committed by the Serbs against innocent Bosnian Muslim and Christian civilians in the towns, villages and concentration camps. The Serbian policy of "ethnic cleansing" is despicable and, at this juncture in world history, the international community cannot possibly afford to be seen taking a feeble and tentative stand on this. The United Nations and other international bodies including the International Committee of the Red Cross (ICRC) should be careful not to undertake relief efforts in a manner that would ironically assist the Serbian policy of "ethnic cleansing". The Security Council has an obligation to use all means necessary to put an end to the atrocities and institute measures that would bring to justice those individuals and leaders responsible for war crimes in accordance with the relevant provisions of international law, including, the International Genocide Convention.

Thirdly, the Security Council cannot merely address the plight of Bosnian civilian population under siege and daily bombardments by the Serbs through United Nations relief efforts. The Council must also put an end to the siege and bombardments of many Bosnian civilian population centres by taking direct action against those responsible.

Fourthly, the Council should be concerned that the European peace initiative may well end in allowing the Serbs, who constitute a third of Bosnia's population, to gain two thirds of Bosnian territory and split the new nation apart. More importantly, it is naïve and delusory to think that Serbian armed intervention and aggression would stop at Bosnia and Herzegovina. Any form of endorsement of Serbian territorial gains through use of force and other illegal actions would only encourage their quest for a greater Serbia and this could well lead to even wider conflagration in the Balkans, threatening international peace and security further.

Malaysia believes that the Security Council has an obligation in the spirit of the Charter to take into consideration the views and be accountable to the general membership of the United Nations, and as the situation in Bosnia and Herzegovina has become so serious, I should like to appeal to you to agree to an urgent formal debate in the Council to consider the question of Bosnia and Herzegovina and take appropriate collective measures under the Charter to restore peace and stability in Bosnia and Herzegovina and in the region.

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Security Council

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S/24495
27 August 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 27 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I wish to transmit to you the following:

"Kuwait welcomes the Security Council's adoption of resolution 773 (1992) concerning the report of the Iraq-Kuwait Boundary Demarcation Commission. This resolution falls within the series of resolutions relating to the situation between Kuwait and Iraq and dealing with the consequences of the Iraqi invasion of Kuwait. The current resolution constitutes support for the legal mechanism with which the Security Council has defused the time bomb that the Iraqi regime planted at the heart of peace and security in the Gulf region through its refusal of all the efforts made before the Iraqi invasion and occupation to demarcate the boundary between Iraq and Kuwait in accordance with the agreements concluded between the two countries and through its persistence in its expansionist aggressive intentions.

"Resolution 773 (1992) derives particular importance from the fact that it has legal content, endorses practical measures and transmits a political message wholly oriented towards the service of peace and security in the region by settling a problem that has engendered consequences that threaten international peace and security.

"From the legal viewpoint, the Security Council welcomes the definitive results arrived at by the Boundary Demarcation Commission with regard to the land boundary between Kuwait and Iraq. Those results were arrived at with the participation of all members of the Commission, following concentrated efforts on the part of all, in the course of which large quantities of legal and historical instruments and documents were examined in order to resolve the issue. The Security Council has also invited the Commission, on the basis of its competence pursuant to the report of the Secretary-General, to demarcate the offshore boundary between the two countries and to complete its work as soon as possible. As a practical result of those resolutions, the Security Council has

requested the Secretary-General to realign the demilitarized zone to correspond to the new international boundary between Kuwait and Iraq and has called for the removal of the police posts located in Kuwaiti territory.

"The political message borne by resolution 773 (1992) relates to the reiterated expression of the guarantee by the Security Council, and also the international community as a whole, of the inviolability of the boundary between Kuwait and Iraq and its defence by all the means available under the Charter. The importance of this political step stems from observation of what has emerged once again in the statements of Iraqi officials, namely, an irresponsible return to spurious allegations regarding Kuwait, on the pretext of historical arguments that accord with neither logic nor reality and that express nothing but a desire to keep the region a battle ground of instability and tension. Over and above all this, the Iraqi allegations express a reversion from unconditional and absolute acceptance of the relevant Security Council resolutions and are an indication of the quality of the Iraqi regime's respect for international commitments. The time has come to bury these tendencies, to achieve stability in the region and to direct our attention to man and his dignity, security and economic and social security.

"Kuwait expresses its appreciation to the Security Council for the adoption of resolution 773 (1992), which is a continuation of the Council's position of principle on a just cause and constitutes a contribution to stability and security in the region. Kuwait is pleased to take this opportunity to renew the assurances of its confidence in, and to express its gratitude to, the President and members of the Iraq-Kuwait Boundary Demarcation Commission and to all those working in this field, the purpose of which is the achievement of peace. As Kuwait renews the assurances of its confidence in, and gratitude to, the Chairman and members of the Commission, it is confident that the Commission will complete its work by demarcating the offshore boundary, as requested by the Security Council. A door through which the squalls of instability have long penetrated will then be closed for ever.

"Kuwait, for its part, will adhere fully to resolution 773 (1992) and will continue to participate positively in the Boundary Demarcation Commission and to support its efforts until it achieves its purposes as set forth in Security Council resolution 687 (1991)."

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

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Security Council

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S/24496
27 August 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 27 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

You are fully aware of the utmost importance which my country accords to the subject of the demarcation of the boundary between Iraq and Kuwait, because it touches on Iraq's basic interests. At our meeting with you on 26 August 1992, we expressed to you our wish to state our views on the subject before the Council when it held its formal meeting on the subject of the resolution on the Boundary Demarcation Commission. However, the Council decided, in informal consultations behind closed doors, not to open the door to discussion and to restrict the right to speak to Council members only, without affording Iraq the opportunity to express its views. This gives rise to very real questions concerning the objectivity of the Council and the good will of those who invite Iraq to participate in the work of the Commission for the purpose of expressing its view and then deprive it of the opportunity of expressing its view for the record at a formal meeting.

I should be grateful if you would have this letter and its annex containing the statement of Iraq that it intended to deliver at the 3108th formal meeting of the Council on 26 August 1992 as an official document of the Security Council.

(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

Annex

Statement by Dr. Abdul Amir Al-Anbari, Permanent Representative of the Republic of Iraq to the United Nations, before the Security Council at its meeting held on 26 August 1992

The draft resolution before you is based on resolution 687 (1991), which Iraq accepted by the letter dated 6 April 1991 from the Minister for Foreign Affairs of Iraq, issued as document S/22456 (1991).

The above-mentioned letter contains the following:

> "While in its preamble the resolution reaffirms that Iraq is an independent sovereign State, the fact remains that a good number of its iniquitous provisions impair that sovereignty. In fact, the resolution constitutes an unprecedented assault on the sovereignty, and the rights that stem therefrom, embodied in the Charter and in international law and practice. For example, where the question of boundaries is concerned, the Security Council has determined in advance the boundary between Iraq and Kuwait. And yet it is well known, from the juridical and practical standpoint, that in international relations boundary issues must be the subject of an agreement between States, since this is the only basis capable of guaranteeing the stability of frontiers."

The above-mentioned letter also pointed out that by acting in this strange manner, the Council itself had violated one of the provisions of resolutions 660 (1990), which served as the basis for its subsequent resolutions. In its paragraph 3, resolution 660 (1990) calls upon Iraq and Kuwait to resolve their differences through negotiation, and the question of the boundary is well known to be one of the main differences. Iraq officially informed the Council that it accepted resolution 660 (1990) and was prepared to implement it, but the Council disregarded this legal position, contradicting its previous resolutions, and adopted an iniquitous resolution which imposes new conditions on Iraq and imposed on Iraq, an independent and sovereign State and a Member of the United Nations, a "boundary" situation and deprived it of its right to establish its territorial rights in accordance with the principles of international law. Thus the Council is also depriving Iraq of its right to exercise its free choice and to affirm that it accepts that boundary without reservation. Where the question of the boundary is concerned, the Council resolution is an iniquitous resolution which constitutes a dangerous precedent, a first in the annals of the international Organization and - as some impartial members of the Council indicated in their statements when the resolution was voted on - an assault on the sovereignty of States.

It is also to be noted that the United States of America, the author of the draft resolution on which resolution 687 (1991), which imposes a solution to the boundary-related and other differences between Iraq and Kuwait, was

based, refuses to impose any solution whatsoever on its ally, Israel, in accordance with agreements and resolutions approved by the United Nations and under international law.

My country's position on the decisions of the Commission appointed by the Secretary-General on the boundary question was set forth in detail in the letter dated 31 May 1992 from the Minister for Foreign Affairs of Iraq (S/24044). This letter reviewed the historical and geographical facts and the working methods of the Commission and concluded that the decisions adopted by the Commission during its New York session from 8 to 16 April 1992 represent a purely political decision imposed by the Powers dominating the Security Council and the United Nations at present, particularly the Governments of the United States and the United Kingdom.

The political objective of this decision is not only to deny Iraq its historical and geographical rights and to undermine its vital interests but also deliberately to create an illegal and illogical situation which arouses the indignation and threatens the vital interests of an ancient people whose predicament has been imposed upon it by armed force and political blackmail and to create a climate of dissatisfaction, dissent and instability in every region. It is this kind of climate that the authors of that decision (the United States and the United Kingdom) want to preserve in the region as a whole, in order to justify the continued presence of their military bases and armed forces in a state of perpetual occupation, in order that they may continue practising their extortion on the Kuwaiti regime and the other regimes in the region and pillaging the oil wealth of the area.

Any ratification by the Security Council of this unjust decision, which has been deliberately directed by two of its permanent members, would constitute a very dangerous precedent, contrary in substance and consequences to the duties and responsibilities entrusted to the Security Council by the Charter. Should the Council ratify it, it would not have contributed to the strengthening of security and stability in the region but would rather have deliberately created a permanent hotbed of tension there, as well as deliberately damaging the legitimate and vital interests of a State Member of the United Nations. If there were cogent reasons that forced the Iraqi authorities to take certain positions regarding this decision, the people of Iraq could never be convinced that its historical rights had been respected and its interests safeguarded by the Security Council, as prescribed by the norms of international law and the standards of justice and fairness. Moreover, the Arab nation will continue to view this decision as one more link in the chain of the Western imperialist games which began during and after the First World War and which have always been an object of indignation and rejection for the Arab nation and the cause of many of the changes and disturbances that have occurred in the Arab world as a whole. World history has witnessed situations similar to today's, and the world knows the consequences that ensue from such instances.

I wish to add that paragraph 3 of the draft resolution before you amends the mandate of the Boundary Demarcation Commission by adding the demarcation

of the offshore boundary to it. That was not mentioned in the Minutes of the 1932 talks.

The Security Council, having become enmeshed in the issue of the Iraq-Kuwait boundary and resolution 687 (1991), finds itself in one predicament after another. Under the draft resolution before you, the Security Council would remain concerned with every incident, large or small, occurring customarily at all international frontiers, whatever their legal status.

The actions of the Security Council and the fact that it is placing itself above international law, above the Charter and above its own resolutions, must inevitably encourage States members of the Council and States Members of the United Nations to violate Council resolutions and the provisions of the Charter. The best proof of that is the announcement by the United States of America and its allies today of their intention to attack any civilian or military Iraqi aircraft flying in Iraqi airspace south of the thirty-second parallel. By this threat, they are violating the provisions of resolution 688 (1991), which affirms the Security Council's commitment to the sovereignty, territorial integrity and political independence of Iraq and are also thereby violating in blatant fashion Article 2, paragraph 7, of the United Nations Charter, which provides, and I quote:

> "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter."

The above paragraph makes one exception to the principle of non-intervention in the internal affairs of States and provides:

> "... but this principle shall not prejudice the application of enforcement measures under Chapter VII."

Resolution 688 (1991), as you are aware, was not adopted under Chapter VII, which makes the threat of the United States and its allies against Iraq a threat to international peace and security and flouts the principle of international legitimacy and the Charter of the United Nations.

The United States threats, if carried out, will make a mockery of the role of the team of United Nations observers stationed on either side of the Iraq-Kuwait border. Under resolution 689 (1991), adopted on 9 April 1991, flight over the demilitarized zone is not permitted and, consequently, the United States threats constitute a flagrant violation of the cease-fire resolution which renders the resolution before you, and particularly paragraph 4 thereof, devoid of contents.

Iraq, as it faces the unjust resolutions adopted by your esteemed Council and the threats launched by the United States of America against Iraq's sovereignty and the security of its citizens is more concerned than anyone to avoid artificial crises and to find peaceful solutions to the real crisis.

Accordingly, in face of the succession of military threats from the United States and its allies and the blatant intervention in the internal affairs of Iraq, Iraq today presents to the Governments of the United States of America, the United Kingdom and France a serious peace initiative, whereby it calls for the establishment of a committee of wise men to visit Iraq in order to learn the true situation in an objective manner on the basis of the facts and to report to the States concerned in the light of the norms of international law and the Charter of the United Nations.

Iraq hopes that the Governments concerned will study this initiative seriously and with good will. It is confident that the proposed committee's report will confirm what Iraq has declared, namely, that there is no basis to the allegations that Iraq is using warplanes and military equipment against the population in the marshes and the southern areas. The facts learned by such a committee will also reveal the aggressive nature of the grave threats launched by the United States and its allies against Iraq. They will also reveal the spuriousness of the claim that they are concerned to guarantee the safety and security of the boundary in the region at the same time as they are committing a breach of the inviolability and security of this boundary.

Thank you.

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S/24497
28 August 1992

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Considering the request by Somalia for the Security Council to consider the situation in Somalia (S/23445),

Reaffirming its resolutions 733 (1992) of 23 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992 and 767 (1992) of 27 July 1992,

Having considered the report of the Secretary-General on the situation in Somalia (S/24480),

Deeply concerned about the availability of arms and ammunition and the proliferation of armed banditry throughout Somalia,

Alarmed by the continued sporadic outbreak of hostilities in several parts of Somalia leading to continued loss of life and destruction of property, and putting at risk the personnel of the United Nations, non-governmental organizations and other international humanitarian organizations, as well as disrupting their operations,

Deeply disturbed by the magnitude of the human suffering caused by the conflict and concerned that the situation in Somalia constitutes a threat to international peace and security,

Gravely alarmed by the deterioration of the humanitarian situation in Somalia and underlining the urgent need for quick delivery of humanitarian assistance in the whole country,

Reaffirming that the provision of humanitarian assistance in Somalia is an important element in the effort of the Council to restore international peace and security in the area,

Welcoming the ongoing efforts by the United Nations organizations as well as the International Committee of the Red Cross (ICRC), non-governmental organizations and States to provide humanitarian assistance to the affected population in Somalia,

Welcoming in particular the initiatives to provide relief through airlift operations,

Convinced that no durable progress will be achieved in the absence of an overall political solution in Somalia,

Taking note in particular of paragraph 24 of the report of the Secretary-General,

1. Takes note with appreciation of the report of the Secretary-General of 24 August 1992 (S/24480) on the findings of the technical team and the recommendations of the Secretary-General contained therein;

2. Invites the Secretary-General to establish four zone headquarters as proposed in paragraph 31 of the Secretary-General's report (S/24480);

3. Authorizes the increase in strength of the United Nations Operation in Somalia (UNOSOM) and the subsequent deployment as recommended in paragraph 37 of the Secretary-General's report;

4. Welcomes the decision of the Secretary-General to increase substantially the airlift operation to areas of priority attention;

5. Calls upon all parties, movements and factions in Somalia to cooperate with the United Nations with a view to the urgent deployment of the United Nations security personnel called for in paragraphs 4 and 5 of its resolution 751 (1992) and as recommended in paragraph 37 of the Secretary-General's report;

6. Welcomes also the material and logistical support from a number of States and urges that the airlift operation be effectively coordinated by the United Nations as described in paragraphs 17 to 21 of the report of the Secretary-General;

7. Urges all parties, movements and factions in Somalia to facilitate the efforts of the United Nations, its specialized agencies and humanitarian organizations to provide urgent humanitarian assistance to the affected population in Somalia and reiterates its call for the full respect of the security and safety of the personnel of these organizations and the guarantee of their complete freedom of movement in and around Mogadishu and other parts of Somalia;

8. Reiterates its appeal to the international community to provide adequate financial and other resources for humanitarian efforts in Somalia;

9. Encourages ongoing efforts of the United Nations, its specialized agencies and humanitarian organizations including the International Committee of the Red Cross and non-governmental organizations to ensure delivery of humanitarian assistance to all regions of Somalia and underlines the importance of coordination between these efforts;

10. Requests also the Secretary-General to continue, in close cooperation with the Organization of African Unity, the League of Arab States and the Organization of the Islamic Conference, his efforts to seek a comprehensive political solution to the crisis in Somalia;

11. Calls upon all parties, movements and factions in Somalia immediately to cease hostilities and to maintain a cease-fire throughout the country;

12. Stresses the need for the observance and strict monitoring of the general and complete embargo on all deliveries of weapons and military equipment to Somalia, as decided in paragraph 5 of its resolution 733 (1992);

13. Calls upon all parties, movements and factions in Somalia to cooperate fully with the Secretary-General in the implementation of this resolution;

14. Decides to remain seized of the matter until a peaceful solution is achieved.

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S/24498
28 August 1992

ORIGINAL: ENGLISH

LETTER DATED 26 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present to you the attached letter, dated 20 August 1992, from the President of the Republic of Bosnia and Herzegovina, His Excellency Mr. Alija Izetbegovic.

May I ask for your kind assistance in circulating the letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative

Annex

Letter dated 20 August 1992 from the President of Bosnia and Herzegovina addressed to the President of the Security Council

Regarding the ongoing absolute blockade of Sarajevo and special UNPROFOR mission determined by resolution 758 (1992) to reopen the Sarajevo airport for humanitarian purposes as a first step towards the implementation of Security Council resolution 757 (1992), paragraph 17, you are kindly requested to give guidelines to the relevant authorities so that which is shortly defined, should comprise the following:

(A) Humanitarian and resupply missions comprise also the evacuation of sick, wounded and all other persons indisposed by war activities to destinations abroad upon officially expressed readiness of responsible authorities from foreign countries.

(B) Resupply missions at the request of the legal authorities of the Republic of Bosnia and Herzegovina intended for revitalization of local facilities producing medicine and medical equipment, food, construction material and fuel for the forthcoming winter which are of humanitarian nature.

(C) Official missions comprise missions of the legal authorities: Presidency of the Republic, Government and the Ministries aiming to facilitate economic and political life of the Republic of Bosnia and Herzegovina as an independent and sovereign State.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Alija IZETBEGOVIC
President

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S/24499
28 August 1992

ORIGINAL: ENGLISH

LETTER DATED 27 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present to you the attached letter, dated 21 August 1992, from the President of the Republic of Bosnia and Herzegovina, His Excellency Mr. Alija Izetbegovic.

May I ask for your kind assistance in circulating the letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative

Annex

Letter dated 21 August 1992 from the President of Bosnia and Herzegovina addressed to the President of the Security Council

Despite the fact that the Security Council has passed two new resolutions concerned with the humanitarian aspect of the situation in Bosnia and Herzegovina, the aggression against this country is continuing, and its target remains the innocent civilian population.

The situation is particularly serious in the besieged towns of Gorazde, Jajce and Bosanski Brod, which the warplanes of the Yugoslav Army have intensively bombarded during recent days.

These warplanes have been using internationally-banned cluster bombs and napalm bombs. A rocket attack on Gorazde has destroyed some of the humanitarian aid which arrived only the previous day.

The capital city of Sarajevo continues to be the target of daily artillery attacks. The method of attack has changed, however the bombardments are less frequent, but are made with more destructive and deadly weapons (155 mm and 180 mm multiple rocket launchers). The results remain the same. In Sarajevo alone, some 10 civilians die and 40-80 are injured every day.

We demand that the Security Council of the United Nations, in accordance with the resolutions already passed, use means which will stop once and for all the military activities of the Yugoslav Army in the Republic of Bosnia and Herzegovina, and at the same time bring to an end all forms of persecution and killing of innocent civilians.

We ask that this letter be distributed as a document of the Security Council.

(Signed) Alija IZETBEGOVIC
President

UNITED
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Security Council

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GENERAL

S/24500
28 August 1992

ORIGINAL: ENGLISH

LETTER DATED 28 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present to you the attached letter, dated 26 August 1992, from the Acting President of the Republic of Bosnia and Herzegovina, Dr. Ejup Ganic, and the Prime Minister of the Republic of Bosnia and Herzegovina, Mr. Jure Pelivan.

May I ask for your kind assistance in circulating the letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative

Annex

Joint letter dated 26 August 1992 from the Acting President of the Presidency and the Prime Minister of Bosnia and Herzegovina addressed to the Security Council

While the world is making diplomatic efforts to find a key to a just and peaceful solution to the crisis in Bosnia and Herzegovina, the Conference in London being such an effort, the aggression against our country is continuing with even greater intensity.

In the last 24 hours 3,000 artillery shells have been fired from the hills at civilian targets in Sarajevo, including apartment buildings and hospitals. The famous National Library of Bosnia and Herzegovina has been set on fire and is still burning. Sarajevo is without water or electricity, as a result of constant bombardments. Last night and today dozens of civilians were killed in Sarajevo, hundreds were wounded, and aggressor's artillery and aviation is still active throughout Bosnia and Herzegovina.

We ask and expect you to use your great influence and have the United Nations and the United Nations Security Council decisions respected, so that the aggression on Bosnia and Herzegovina could be stopped in a most effective way.

(Signed) Jure PELIVAN
Prime Minister

(Signed) Ejup GANIC
Acting President of
the Presidency

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Security Council

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S/24501
28 August 1992

ORIGINAL: ENGLISH

NOTE VERBALE DATED 26 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF PAKISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Islamic Republic of Pakistan to the United Nations presents his compliments to the Secretary-General of the United Nations, and, with regard to his note dated 3 June 1992, has the honour to inform him that all necessary measures have been adopted by the Government of Pakistan with a view to fulfilling the obligations arising out of paragraphs 4 to 9 of Security Council resolution 757 (1992) of 30 May 1992.

It is requested that the present communication may kindly be circulated as a document of the Security Council.

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UNITED NATIONS

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GENERAL

S/24502
29 August 1992

ORIGINAL: ENGLISH

LETTER DATED 27 AUGUST 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF UKRAINE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the statement by the Ministry of Foreign Affairs of Ukraine of 26 August 1992 concerning the implementation of Security Council resolution 757 (1992).

I kindly request Your Excellency to have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Victor A. KRYZHANIVSKY
Deputy Permanent Representative
of Ukraine to the United Nations

Annex

[Original: Russian]

STATEMENT BY THE MINISTRY OF FOREIGN AFFAIRS OF UKRAINE

Reports have recently been appearing in the mass information media of foreign countries, including some member countries of the Commonwealth of Independent States, to the effect that Ukrainian vessels plying the Danube are delivering goods and cargoes to ports in the Federal Republic of Yugoslavia (Serbia and Montenegro), thus breaching the Security Council sanctions against that country.

In this connection, the Ministry of Foreign Affairs of Ukraine is authorized to make the following statement.

Ukraine, as a Member of the United Nations, has always demonstrated its devotion to the purposes and principles of the Charter of the United Nations, and has unconditionally supported the efforts of the Security Council to strengthen international peace and security.

Ukraine not only supports the relevant decisions of the United Nations regarding the settlement of the situation in the former Yugoslavia, but is also participating in the activity of the United Nations peace-keeping forces in Sarajevo. Ukraine supports Security Council resolution 757 (1992) on sanctions against Yugoslavia, and is convinced that implementation of that resolution's provisions will promote a settlement of the crisis in the former Socialist Federal Republic of Yugoslavia on the basis of strict compliance by all parties to the conflict with the principle of non-use of force, observance of human rights and protection of all national minorities.

On 17 June 1992, the Cabinet of Ministers of Ukraine adopted Order No. 342, which requires the ministries and departments of Ukraine, the Council of Ministers of the Republic of Crimea, local state offices, enterprises, combines, organizations and institutions engaging in export-import operations, water and air communications, servicing of vessels and aircraft, including insurance services, and in sporting, scientific and cultural links with the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure unconditional support for the relevant provisions of Security Council resolution 757 (1992).

The state organs, enterprises and organizations of Ukraine are taking concrete measures to monitor full compliance with the requirements of the above resolution. An investigation of the reports referred to above by the appropriate state organs has not confirmed the existence of violations of the United Nations sanctions by Ukraine. During July and August 1992, ships of Ukrrechflot made a number of transshipments through the Serbian Danube port of Prahovo, in which goods delivered by river were transshipped to the railway and forwarded to Skopje (Macedonia). These shipments do not contravene the provisions of resolution 757 (1992), which permits all forms of transit through the territory of Yugoslavia.

When vessels leave Ukrainian ports, the organs of the State Customs Committee in the Cabinet of Ministers of Ukraine conduct a careful inspection of the cargoes in accordance with the requirements established by the Security Council Committee on sanctions. Cargoes going to Yugoslavia are allowed through the border only if documentation exists which confirms that they are in transit.

The Ministry of Foreign Affairs confirms that Ukraine is scrupulously discharging its obligations and has no intention of violating the sanctions against Yugoslavia.

26 August 1992

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/24503
31 August 1992

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

1. At the 91st plenary meeting of its forty-sixth session, on 25 August 1992, the General Assembly adopted resolution 46/242, entitled "The situation in Bosnia and Herzegovina". 1/

2. In paragraph 5 of the resolution, the General Assembly:

> "Urges the Security Council to consider, on an urgent basis, taking further appropriate measures, as provided in Chapter VII of the Charter, to put an end to the fighting and to restore the unity and the territorial integrity of the Republic of Bosnia and Herzegovina."

Notes

1/ Not reproduced in the present document; for the full text, see document A/RES/46/242.

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UNITED
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Security Council

Distr.
GENERAL

S/24504
31 August 1992

ORIGINAL: ENGLISH

LETTER DATED 31 AUGUST 1992 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your report on the situation in Western Sahara (S/24464) has been brought to the attention of the members of the Council.

They agree to your proposal to maintain the existing deployment and staffing of MINURSO.

The members of the Council share your views on the necessity of the parties scrupulously abiding by the cease-fire and abstaining from any provocative behaviour endangering the settlement plan. They also express their hope that both parties will extend their full cooperation to the Secretary-General and the Special Representative in their efforts to achieve speedy progress in the implementation of the plan. The members also strongly urge the parties themselves to make extraordinary efforts to ensure the success of the plan.

In accordance with the indication given in your report, the members of the Council are looking forward to receiving a further progress report on the implementation of the plan before the end of September.

(Signed) LI Daoyu
President of the
Security Council

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UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/24505
31 August 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 31 AUGUST 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I wish to inform you that United States aircraft continued to violate Iraqi airspace for the purpose of provocation and surveillance during the period from 21 to 28 August 1992, as follows:

21-22 August 1992

Twenty sorties flown by 10 two-aircraft formations at speeds of 600-900 km/h and at altitudes of 5,000-8,500 m, centred on Zakho, Dohuk, Mosul, Amadiyah, Irbil, Tall Afar and Ayn Zalah.

23-24 August 1992

Thirty-eight sorties flown by 17 two-aircraft formations, one three-aircraft formation and one single aircraft at speeds of 600-900 km/h and at altitudes of 1,500-7,000 m, centred on Zakho, Amadiyah, Mosul, Dohuk, Ayn Zalah, Tall Afar, Irbil and Dukan.

24-25 August 1992

Eighteen sorties flown by nine two-aircraft formations at speeds of 600-800 km/h and at altitudes of 2,000-5,000 m, centred on Mosul, Dohuk, Irbil, Tall Afar and Amadiyah.

At 1420 hours on 24 August 1992, two Jaguar aircraft overflew Firnas airfield at a speed of 800 km/h and at an altitude of 20 m, which caused the airfield's radar antenna to break.

25-26 August 1992

Twenty-six sorties flown by 13 two-aircraft formations at speeds of 600-900 km/h and at altitudes of 4,000-6,000 m, centred on Mosul, Irbil, Dohuk, Amadiyah, Zakho, Ayn Zalah and Tall Afar.

26-27 August 1992

Sixteen sorties flown by eight two-aircraft formations at speeds of 600-900 km/h and at altitudes of 1,600-7,000 m, centred on Zakho, Amadiyah, Dohuk, Mosul, Irbil and Tall Afar.

27-28 August 1992

Twenty-two sorties flown by 11 two-aircraft formations at speeds of 600-900 km/h and at altitudes of 5,000-5,200 m, centred on Dohuk, Mosul, Rawanduz and Tall Afar.

At 1819 hours on 27 August 1992, the United States Air Force violated Iraqi airspace in the southern area with 71 sorties flown by three two-aircraft formations, six three-aircraft formations, nine two-aircraft formations and 23 single aircraft at speeds of 600-800 km/h and at altitudes of 4,000-10,000 m, centred on Basra, Nasiriyah, Amarah, Samawah, Salman, Shatrah, Jabaliyah, Ba'idah, Mu'ayanah and Ansab.

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) K. K. AL-NIMA
Chargé d'affaires a.i.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/24505/Corr.1
4 September 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 31 AUGUST 1992 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

Corrigendum

The following correction has been requested by the Permanent Mission of Iraq to the United Nations:

Page 2

The penultimate paragraph should read

"At 1819 hours on 27 August 1992, the United States Air Force violated Iraqi airspace in the southern area with 71 sorties flown by three four-aircraft formations, six three-aircraft formations, nine two-aircraft formations and 23 single aircraft at speeds of 600-800 km/h and at altitudes of 4,000-10,000 m, centred on Basra, Nasiriyah, Amarah, Samawah, Salman, Shatrah, Jabaliyah, Ba'idah, Muayanah and Ansab."

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UNITED
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Security Council

Distr.
GENERAL

S/24506
1 September 1992
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 12 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF COLOMBIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to refer to your note of 3 June 1992 concerning the implementation of resolution 757 (1992), which was adopted by the Security Council at its 3082nd meeting, held on 30 May 1992.

I wish to inform you that the Government of my country promptly transmitted the text of resolution 757 (1992) to the national agencies concerned and instructed them to adopt the necessary measures to ensure its effective and immediate implementation.

(Signed) Luis Fernando JARAMILLO
Ambassador
Permanent Representative

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UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/24507
2 September 1992

ORIGINAL: ENGLISH

LETTER DATED 1 SEPTEMBER 1992 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO
THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to bring to your attention the following instances of violations by Iraq of the terms of the cease-fire between the two countries.

1. On 9 November 1991, six Iraqi forces were observed inspecting at the geographical coordinates of NC 594-334 on the map of Kani-Sheikh west of border pillar 40/1.

2. On 9 November 1991, four Iraqi forces aboard a jeep stopped at the geographical coordinates of QA 29-84 on the map of Nahr-Anbar west of border pillars 22-33 and 22-34 and after 30 minutes left the area.

3. On 10 November 1991, a number of Iraqi forces conducted observation at the geographical coordinates of QA 291-821 on the map of Nahre-Anbar, border pillar 22/31.

4. On 11 November 1991, at 1100 hours, 10 Iraqi forces were observed defusing mines at the geographical coordinates of PB 065-715 on the map of Mehran.

5. On 13 November 1991, at 0930 hours, four Iraqi vehicles carrying 35 Iraqi soldiers, four R.P.G's and other equipment were observed moving from the geographical coordinates of ND 358-023 to the geographical coordinates of ND 392-114 on the map of Khosravi.

6. On 13 November 1991, at 1100 hours, seven Iraqi forces were observed opening a path through a mine-field at the geographical coordinates of NC 500-450 on the map of Sumar.

7. On 14 November 1991, at 0930-1025 hours, 18 Iraqi forces aboard an IFA vehicle and a command jeep were observed patrolling and surveying the area at the geographical coordinates of ND 390-140 on the map of ND 390-140.

8. On 14 November 1991, at 1230 hours, 50 Iraqi forces, in an Arabic outfit, two of whom were armed with klushinkof automatic machine-guns, visited and surveyed the area of the geographical coordinates of PB 050-709 on the map of Mehran.

9. On 15 November 1991, an Iraqi trailer was disembarked by Iraqi forces at the geographical coordinates of PB 800-081 on the map of Chai Ghareh-Tappeh - south of border pillar 24/20.

10. On 17 November 1991, Iraqi forces began constructing a bunker at the geographical coordinates of QA 37-59 on the map of Yebis, west of border pillar 22/10.

11. On 18 November 1991, an Iraqi loader was observed digging a trench at the geographical coordinates of PB 100-730 on the map of Mehran, south of border pillar 33.

12. On 20 November 1991, at 1045 hours, 10 Iraqi forces, clothed in a green outfit, were observed constructing defensive positions at the geographical coordinates of QA 869-898 on the map of Ghazabeh.

13. On 18 December 1991, a number of Iraqi forces were observed constructing a position for deploying a Dush-k machine-gun at the geographical coordinates of NC 830-190 on the map of Halaleh, west of border pillar 35/8.

14. On 20 December 1991, at 0930 hours, 10 Iraqi forces aboard two Toyota vehicles were observed at the geographical coordinates of ND 655-232 on the map of Ghasr-Shirin, north of Babahadi sentry post and west of border pillar 60/1.

15. On 21 December 1991, eight Iraqi forces installed a row of barbed wire at the geographical coordinates of ND 385-128 on the map of Khosravi, west of border pillar 56/1.

16. On 22 December 1991, at 1940 hours, two Iraqi divers penetrated into the border region of Khosro-Abad on the map of Arvandroud. They fled the area when confronted with the reaction of the personnel of Khosro-Abad sentry post.

17. On 22 December 1991, at 1000 hours, 12 Iraqi forces were observed constructing a bunker at the geographical coordinates of ND 415-102 on the map of Khosravi, west of border pillar 55/1.

18. On 23 December 1991, at 1600 hours, a number of Iraqi forces deployed two mortars 60 and 80 mm at the geographical coordinates of ND 415-102 on the map of Khosravi, west of border pillar 55/1.

19. On 25 December 1991, an Iraqi vehicle carrying 10 passengers was seen moving at the geographical coordinates of NC 497-844 on the map of Seizdeh, west of border pillar 46/6.

20. On 25 December 1991, an Iraqi soldier conducted observation at the geographical coordinates of 017-940 on the map of Meimeh, south-east of border pillar 24/2, and two other Iraqis conducted observation at the geographical coordinates of QA 333-738 on the map of Nahr-Anbar.

21. On 26 December 1991, at 1050 hours, an Iraqi mechanical shovel was seen digging at the geographical coordinates of PB 333-432 on the map of Changouleh, south of border pillar 26/5.

22. On 26 December 1991, at 1210 hours, four Iraqi soldiers conducted observation at the geographical coordinates of QA 347-738 on the map of Nahr-Anbar.

23. On 27 December 1991, eight Iraqi forces resumed observation activity in an observation post at the geographical coordinates of NC 880-125 on the map of Halaleh, north of border pillar 35/3.

24. On 28 December 1991, at 1000 hours, 12 Iraqi forces were observed constructing a bunker at the geographical coordinates of ND 389-078 on the map of Khosravi, north-west of border pillar 53/4.

25. On 30 December 1991, eight Iraqi forces were observed digging a trench at the geographical coordinates of PB 042-677 on the map of Mehran.

26. On 30 December 1991, eight Iraqi forces were seen at the geographical coordinates of QA 355-741 on the map of Nahr-Anbar, west of border pole 22.22.

It would be highly appreciated if this letter were circulated as a document of the Security Council.

(Signed) M. Javad ZARIF
Ambassador
Deputy Permanent Representative

UNITED NATIONS

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General Assembly Security Council

Distr.
GENERAL

A/46/966
S/24508
2 September 1992

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-sixth session
Agenda items 45 and 150
QUESTION OF CYPRUS
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Forty-seventh year

Letter dated 31 August 1992 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

I have the honour to refer to a letter dated 26 August 1992, addressed to you by the Permanent Representative of Turkey (with an annex) and circulated as a document of the General Assembly, under agenda items 45 and 150, and of the Security Council (A/46/964-S/24490) in response to my statement in the General Assembly on the situation in Bosnia and Herzegovina, on 24 August 1992.

The relevant part of that statement is as follows:

"The unfortunate and indeed tragic fact is that the odious and abhorrent policy of "ethnic cleansing" is not a new phenomenon, nor did it originate in Bosnia. We in Cyprus have had bitter experience in this regard. We have witnessed equally grave violations of international humanitarian law, as attested to by the European Commission of Human Rights, not only during the 1974 invasion but also in 1975 with the enclaved 20,000 Greek Cypriots in the Karpass, of whom now less than 500 remain.

"To quote from a major editorial from the respected Financial Times newspaper, on 16 July 1992, under the heading 'They must be stopped':

'A State recognized by most other States and admitted to numerous international bodies is being dismembered. Frontiers are being redrawn by war. Large numbers of people are being forcibly driven from their homes, with widespread killing. Such actions

would be intolerable at any time or place, but in many times and places have been tolerated. A particularly clear precedent was set in Cyprus in 1974. There, too, a neighbouring State, Turkey, intervened to protect a minority and used military force to secure an area for that minority's exclusive use, expelling from it all members of the majority community. There, too, the international community failed to take any effective action or reverse the process. But "stopping the fighting" is not enough if it turns out to mean, as in Cyprus, consolidating a cease-fire only after the aggressor has secured his objectives and then being content to urge the virtue of negotiations and concessions equally on both sides.'

"I shall refrain from going any further at this point, as the issues involved are fully documented in the records of past debates in the United Nations and I do not want to deflect attention from the item we are now considering.

"My Government's policy has been and continues to be to cooperate fully and with good will with the Secretary-General in sincerely seeking a just and lasting solution to the problem of Cyprus. President Vassiliou has amply demonstrated this policy in the past and very recently, and the same sincere effort will continue when the talks resume later this year. But it is essential for Turkey and all concerned to recognize that, if these talks are to bear fruit, the present inequitable division of territory cannot continue and the right of the displaced persons to return to their homes and property cannot be negated.

"This is a valid proposition in Bosnia and Herzegovina and it is an equally valid proposition in Cyprus. In the case of Bosnia, even Mr. Karadjic is reported to have declared over the weekend that 'all the refugees must be allowed to return home' and that 'all property handed over under duress will have to be returned'. Whether one accepts these declarations at face value or not, can there be any reasonable person who can disagree with these principles, and is it too much to hope that the same principles are also applicable to Cyprus?

"It is to be hoped that Turkey, which has taken a leading role in protecting those who suffer in Bosnia, will at long last play a constructive role also in the search for a just and lasting solution to the tragic problem my own country has been confronted with and suffered from for too long, a solution within the letter and spirit of the numerous applicable United Nations resolutions which so far have remained unimplemented. There should be no double standard."

This statement, and the quotation from the main editorial of 16 July 1992 of the authoritative British newspaper the Financial Times, are clear and require no elaboration. Far from revealing "deep-seated hostility to the Turkish Cypriots", as is falsely alleged, it is a factual and sad reminder of our experience of "ethnic cleansing" applied as a deliberate policy by Turkey

in the occupied part of Cyprus following the 1974 invasion and its parallel to the tragic situation in Bosnia and Herzegovina today.

For want of valid arguments, in response to the substantive issue raised, the Turkish representative resorts to false accusations by proxy. I would not follow his example and resort to polemics.

But it should be pointed out that this is yet another instance of the abuse of the process of circulation of United Nations official documents by the Turkish Mission in the name of an entity recognized by no member of the international community, other than Turkey itself, and which was rightly described in Security Council resolutions 541 (1983) of 18 November 1983 and 550 (1984) of 11 May 1984 as "legally invalid" and a "secessionist entity", resolutions unanimously and significantly reaffirmed by the Security Council in resolution 774 (1992) as recently as 26 August 1992. It was by the same resolution 541 (1983) that the Security Council called upon all States "not to recognize any Cypriot State other than the Republic of Cyprus". Yet Turkey persists in abusing the right to request the circulation of Security Council documents using the name of that unrecognized entity which the Security Council itself described and continues to regard as "legally invalid" and "secessionist".

As I stressed in my above-cited statement, my Government's policy has been and continues to be to cooperate fully and with good will with the Secretary-General in sincerely seeking a just and lasting solution to the problem of Cyprus. It is our hope that when the talks resume later this year Turkey will at long last play a constructive role in this regard. We have long held the conviction that a just and lasting solution to the tragic problem my country has been confronted with for too long would be to the benefit of all concerned, including Turkey, to the interest of all the people of Cyprus and for peace in our volatile region.

I should be grateful if the text of the present letter would be circulated as a document of the General Assembly, under agenda items 45 and 150, and of the Security Council.

(Signed) Andreas J. JACOVIDES
Ambassador
Permanent Representative

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/24509
2 September 1992

ORIGINAL: ENGLISH

LETTER DATED 24 AUGUST 1992 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

As you are aware, on 4 August 1992 I had addressed a letter to the Deputy Prime Minister of Iraq proposing that discussions on the extension of the Memorandum of Understanding governing the Inter-Agency Humanitarian Programme in Iraq take place at an appropriate level and at the earliest opportunity. On 10 August 1992 I received a reply from the Deputy Prime Minister indicating that his Government would welcome a visit to Iraq by the Under-Secretary-General for Humanitarian Affairs for this purpose. I therefore instructed Mr. Eliasson to proceed with such negotiations, which began upon his arrival in Baghdad on 17 August and concluded on 21 August 1992.

The Under-Secretary-General for Humanitarian Affairs was assisted by the Coordinator and senior officials from the United Nations programmes and agencies participating in the Humanitarian Programme (UNHCR, UNICEF, WFP and WHO). Five extensive rounds of talks were held between the two delegations, chaired on the Iraqi side by Minister for Foreign Affairs Mohammed Al Sahhaf. On 21 August lengthy discussions took place between Deputy Prime Minister Tariq Aziz and Mr. Eliasson. In addition to these talks, several meetings were held at the technical level between the representatives of United Nations programmes and agencies and the respective Government Ministers and officials. A drafting group was also established to work towards an agreed text for the MOU.

The Government of Iraq took the position that in view of the changed circumstances since the adoption of the two preceding Memoranda, the Inter-Agency Humanitarian Programme should be based upon transitional arrangements moving from an emergency phase towards "normalization" and regular cooperation with United Nations agencies. In this context, some of the exceptional measures provided for under the two earlier agreements were no longer applicable:

(a) United Nations sub-offices would no longer be permitted, but access on a functional basis would be granted for project implementation;

(b) NGO participation in the Humanitarian Programme could only be allowed subject to a separate agreement between individual NGOs and the Government of Iraq;

(c) The Guards contingent would be limited to a maximum of 150 Guards to be deployed only in the three northern Governorates with their Chief and "4 or 5 assistants" to be located in Baghdad;

(d) A separate communications system would no longer be accepted for the Humanitarian Programme inside the country;

(e) No further provision for a Government contribution in the local currency could be provided for in the MOU;

(f) The duration of the agreement could not exceed 31 December 1992.

The Government also urged that every effort be made to exempt humanitarian requirements from the imposition of sanctions, stressing the suffering these continued to inflict upon the civilian population.

The United Nations insisted that the critical and priority needs of vulnerable groups in Iraq required the continuation of the Inter-Agency Humanitarian Programme. The United Nations position with respect to the above specific points was as follows:

(a) Sub-offices or field stations were essential to participating United Nations programmes and agencies for the effective implementation of the Humanitarian Programme throughout Iraq;

(b) The participation of NGOs was an important operational requirement: the Government's insistence on separate agreements could be taken into consideration subject to the successful adoption of the MOU;

(c) The Government's limitation upon the overall strength and the location of United Nations Guards was unacceptable. United Nations and NGO participants in the Humanitarian Programme insisted upon the continued deployment of Guards, with a ceiling of 500, in order to ensure their protection, not least in view of the serious deterioration in the current security situation;

(d) The maintenance of the existing radio communications system was an essential component of all United Nations emergency humanitarian operations;

(e) A contribution by the Government in local currency, which had been provided for under previous Memoranda but only paid on three occasions, was necessary for the Programme - in the absence of a special exchange rate for humanitarian operations;

(f) In view of the time lost since the expiry of the last MOU and the importance of the Programme covering the approaching winter months, the duration of the agreement should be until 31 March 1993.

Despite extensive negotiations, wide divergencies remained in the positions of the two parties on the key issues mentioned above. A degree of progress was achieved on certain questions, such as the role of the United Nations Coordinator and the Coordination Committee, as well as on the components to be included in the various sectors covered by the Plan of Action. The United Nations agreed to take into consideration and reflect in the eventual MOU the Government's request for joint preparation of the Plan of Action and for its implementation under the Coordination Committee. Stressing the need to underline the crucial role of NGOs, the United Nations also agreed to take into account and reflect accordingly - subject to an overall consensus on the text - the Government's requirement for the conclusion of separate agreements with NGOs participating in the Programme. Unfortunately, however, the Government was not prepared to modify its position on the question of access and sub-offices and of the deployment of United Nations Guards.

In the course of discussions, particular concern was expressed by the Government of Iraq at the declarations of impending action aimed at imposing an exclusion zone for Iraqi aircraft below the 32nd parallel. An appeal was addressed to me to take up this issue, which the Government maintained to be in contravention of international law. The Deputy Prime Minister explicitly linked the implications of these declarations to the continued presence of the Inter-Agency Humanitarian Programme in the south of the country and the Government's refusal to permit the maintenance of sub-offices under a renewed MOU. The Deputy Prime Minister asserted that sub-offices in the southern region would eventually be misused for inappropriate purposes and maintained that the Inter-Agency Programme was serving political ends. In response, the United Nations strongly emphasized the purely humanitarian mandate of the Programme, the indispensable operational requirement of sub-offices, and the essential need for United Nations Guards in view of the grave security conditions prevailing in the country.

The Deputy Prime Minister further indicated that in the event of such action on an exclusion zone for Iraqi aircraft being put into effect, any eventual MOU would no longer be applicable and the existence of United Nations Guards would no longer be tolerated on Iraqi territory. In addition, the Deputy Prime Minister suggested that any remaining humanitarian personnel in the South be withdrawn as soon as possible to Baghdad so as to ensure their safety in view of the possibility of demonstrations in the Basrah area. Steps were subsequently taken, with my agreement, to recall to Baghdad the eight United Nations Guards and one UNICEF staff member still remaining in Basrah. On 19 August an invitation to visit the southern marshlands was extended to Mr. Eliasson who was authorized to proceed only after the adoption of the MOU. The possibility was accordingly not further explored in view of the lack of agreement on the extension of the MOU.

Mr. Eliasson raised on several occasions the imperative need to ensure the safety of United Nations and NGO personnel, as well as to bring an immediate end to the unacceptable wave of harassment perpetrated against staff based in Baghdad. He also deplored the fact that serious security breaches and incidents of harassment had continued to take place during his own visit. The Minister for Foreign Affairs gave his assurance that every effort would be made to prevent further cases of harassment against United Nations staff.

During the last meeting with the Minister for Foreign Affairs, the latter expressed the view that there would be another opportunity to discuss the Humanitarian Programme and to reach a formula for the extension of the MOU "in a short while". In his view, the door to a practical agreement was not closed: he remained optimistic and hoped that the results achieved, rather than remaining disagreements, would be stressed. He further gave the Government's assurance that "a de facto MOU existed" and that cooperation would be extended to the office of the Coordinator and United Nations programmes and agencies based in Baghdad. The Government would proceed in a "calm, civilized and reasonable manner". Visas and travel permits would be renewed for the staff currently assigned to Iraq but no requests for visas for additional staff would be granted. The "status quo" would apply for the United Nations Guards Contingent: the 120 Guards presently in Iraq could remain but no replacements or additional deployment would be permitted. The Government insisted that offices outside Baghdad and the northern Governorates should be closed forthwith. In addition, the presence of NGOs would not be allowed for the time being.

From the United Nations perspective, the Government's position prevents the Inter-Agency Humanitarian Programme from providing effective humanitarian assistance to vulnerable groups in Iraq. No further United Nations presence, in terms of sub-offices or Guards, is currently permitted in the South of the country. At the same time, the Programme's implementation in the northern Governorates has been brought to a halt: fuel supplies are lacking, thereby preventing the distribution of food from WFP and of supplies for health, sanitation, water and nutrition from UNICEF to a large portion of the population in the North. The latter remain gravely affected by the continued imposition of supply restrictions on food rations, fuel and medical supplies imposed by the Government. The World Food Programme's operations in the North will cease in their entirety in view of the ban imposed on the presence of NGOs, which will prevent the continuation of food distribution currently carried out by CARE.

The discussions in Baghdad on the renewal of the MOU have demonstrated that key issues remain unresolved for the further provision of humanitarian assistance in Iraq. At present, the Programme's staff are making every endeavour to fulfil their mandate from the current locations in Baghdad and the northern region. Under the circumstances indicated above, however, the United Nations will not be in a position to meet the essential humanitarian needs of vulnerable groups: in the absence of a United Nations presence in the South, a reliable assessment of conditions prevailing in that region will not be possible, while in the North, the population will be placed at serious risk if adequate food and fuel supplies are not prepositioned by November and should the Government not reinstate adequate food rations by that date. Such a situation could well lead to a renewed and large-scale displacement of the population.

I would be grateful if you would bring this letter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI